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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,765	11/03/2003	John Gandy	20509.023	4233

42922 7590 12/05/2005

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EXAMINER	
KOEHLER, ROBERT R	
ART UNIT	**PAPER NUMBER**
1775	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,765	GANDY, JOHN	
	Examiner	Art Unit	
	Robert R. Koehler	1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *August 31, 2005 (Amdt., Drwgs., Remarks)*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,7-10,13,14,16 and 21-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,7-10,13,14,16 and 21-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 August 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

RRK.
11-28-05

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: Proposed Drawing Corrections (Approved); 2 sheets.

RRK.
11-28-05

DETAILED ACTION

Drawings

The drawings were received on August 31, 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3, 7 to 10, 13, 14, 16, and 21 to 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,820,703 (Suzuki, et al.), the cited prior art of record.

Suzuki, et al. discloses a production method of a low carbon martensitic stainless steel pipe for use in the petroleum, natural gas, and petrochemical industries. The martensitic stainless steel pipe disclosed by Suzuki, et al. contains the same alloying elements as claimed by the applicant with alloy elemental ranges that overlap applicant's claimed alloy elemental range limits. Note the alloy elemental ranges for chromium and carbon. Prior art which teaches a range within, overlapping, or touching the claimed range anticipates if the prior art range discloses the claimed range with sufficient specificity. See MPEP 2131.03 and *Ex parte Lee*, 31 USPQ2d 1105 (Bd. Pat. App. & Inter. 1993). The production of stainless steel pipe includes the steps of forming a steel coil which substantially comprises a martensitic metal structure, cutting the hot coil into a predetermined width, shaping continuously both of the steel edges into a cylindrical shape, and creating a seam at the steel edges by electric resistance welding to produce a seam-welded steel pipe. See line 19 in column 2 to line 36 in column 3. The seam-welded portion of the stainless steel pipe is reheated in order to reduce non-uniformity

occurring at the time of seam welding and to improve the toughness of the seam-welded portion. See line 20 in column 7 to line 39 in column 8.

2. Claims 1, 3, 7, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,379,821 B2 (Kushida, et al.), the cited prior art of record.

Kushida, et al. discloses a stainless steel pipe having a full martensitic metal structure or a mixed martensitic phase and a ferritic phase for usage in the petroleum or natural gas industries. The primarily martensitic stainless steel pipe can have a large diameter and be welded by any of the conventional welding techniques such as the SAW method. See lines 11 to 18 in column 1 and lines 25 to 60 in column 14. Although the applicant claims a stainless steel pipe having a seam region that is welded by an electric resistance welding technique, the stainless steel pipe as disclosed by Kushida, et al. would be expected to have the same seam-welded region along its length. The stainless steel pipe containing a martensitic phase and a ferritic phase as disclosed by Kushida, et al. contains the same alloying elements as claimed by the applicant with alloy elemental ranges that overlap applicant's claimed alloy elemental range limits. Note the alloy elemental ranges for chromium and carbon. See line 37 in column 7 to line 5 in column 8 and line 53 in column 8 to line 47 in column 9. Prior art which teaches a range within, overlapping, or touching the claimed range anticipates if the prior art range discloses the claimed range with sufficient specificity. See MPEP 2131.03 and *Ex parte Lee*, 31 USPQ2d 1105 (bd. Pat. App. & Inter. 1993).

Response to Arguments

Applicant's arguments filed on August 31, 2005 have been fully considered but they are not persuasive. The Examiner continues to believe that the cited prior art of record discloses applicant's claimed low carbon, dual phase stainless steel pipe as well as the conventional welding methods that can be used to make the claimed stainless steel pipe.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Robert Koehler whose telephone number is **(571) 272-1536**. The Examiner can normally be reached on Tuesday to Friday from 9:30 AM to 7:00 PM. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Deborah Jones, can be reached on **(571) 272-1535**. The official Fax No. is **(571) 273-8300**, and the After-Final Fax No. is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **http://pair-direct.uspto.gov**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Robert R. Koehler

ROBERT R. KOEHLER
PRIMARY EXAMINER

Art Unit 1775
November 28, 2005

Appln No. 10/699,765
Reply to Office action
of June 24, 2005
Annotated Sheet Showing
Drawing Changes

APPROVED
RRK.
10-2-05

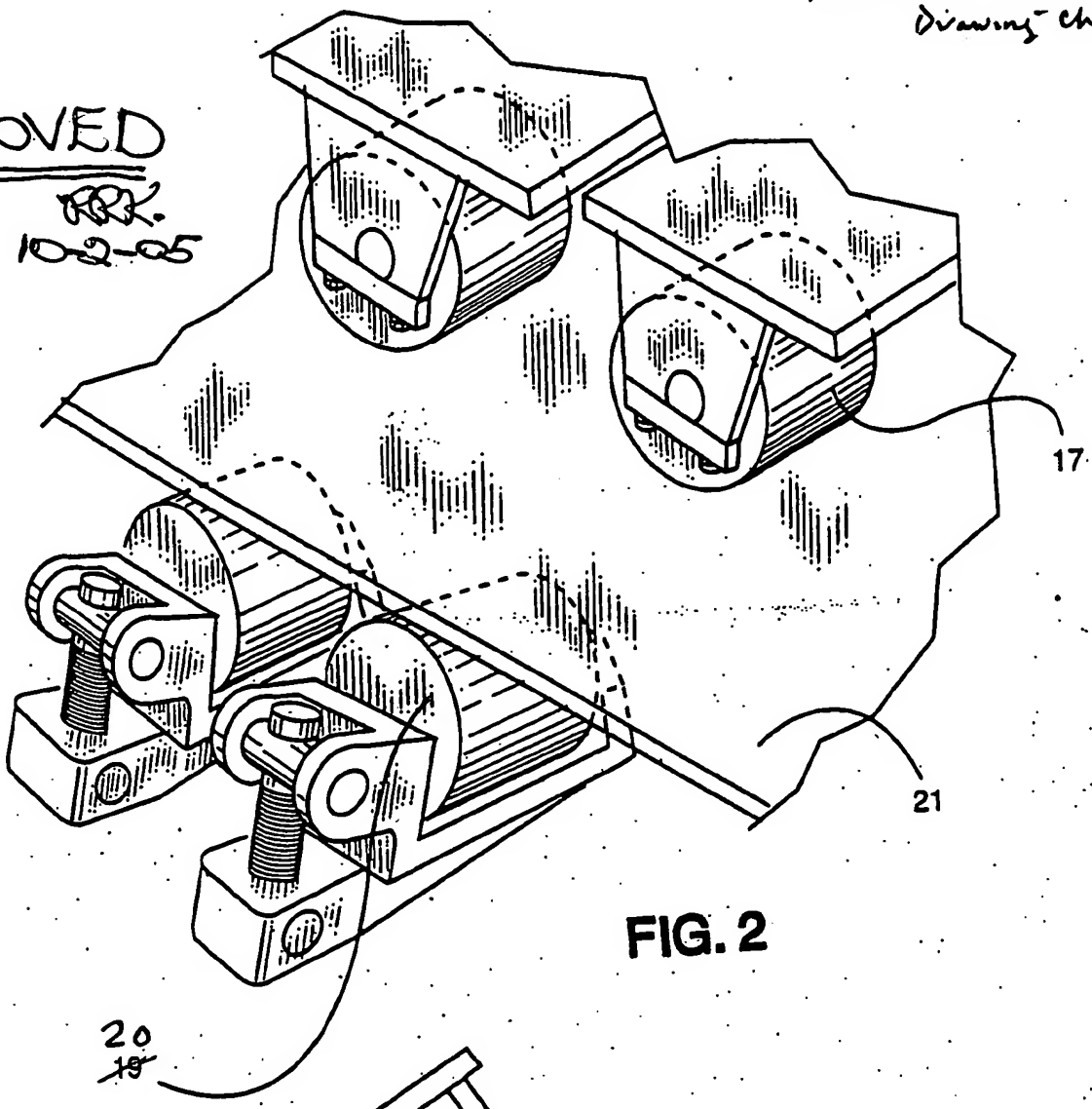


FIG. 2

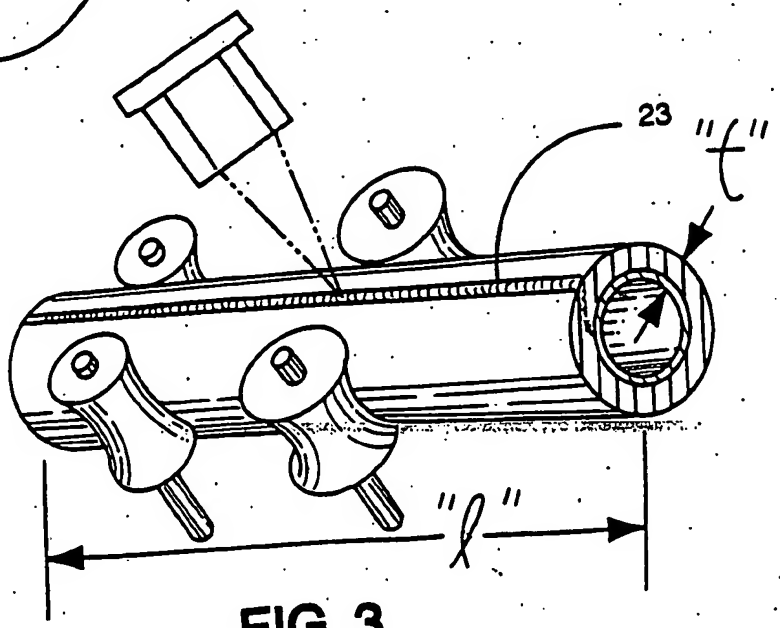
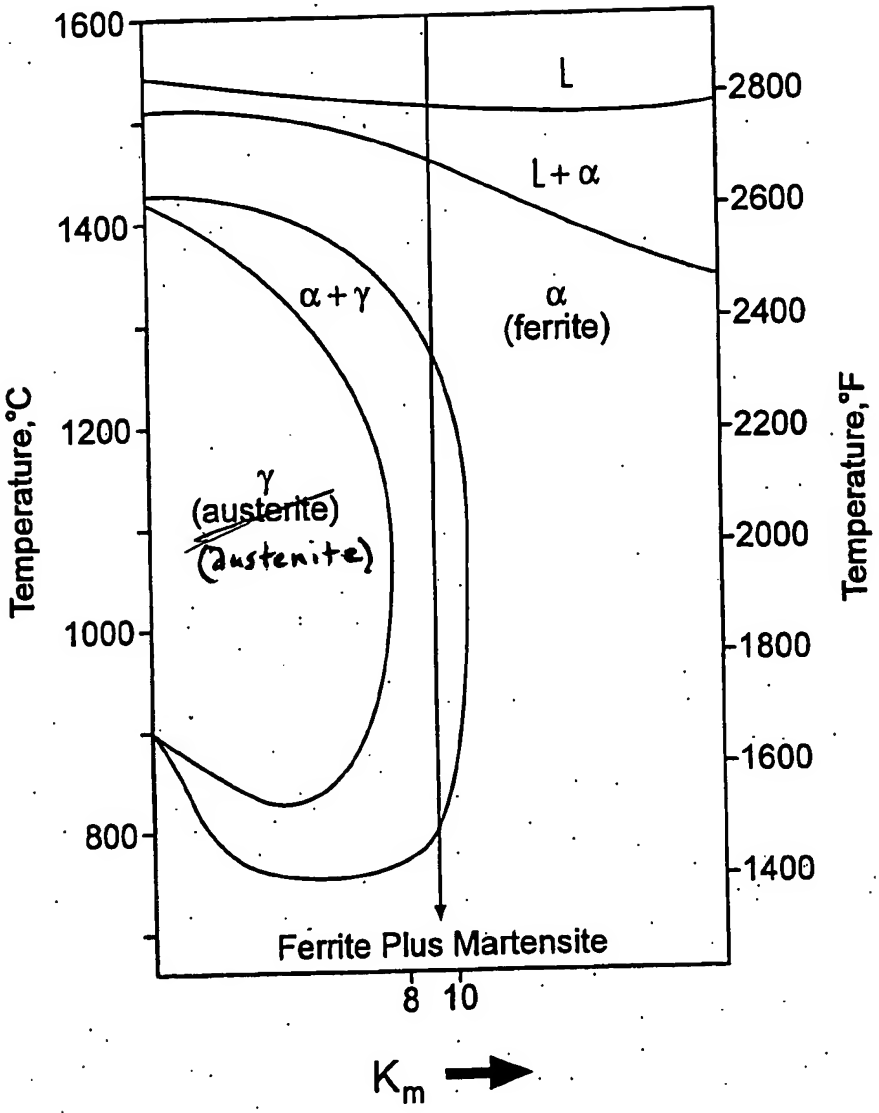


FIG. 3

Appln No. 10/699,765
Reply to Office Action of June 24, 2005
Annotated sheet showing drawing changes

APPROVED
RRK.
10-2-05



Chemical Balance For Dual Phase Microstructure

$$K_m = Cr + 6\,Si + 8\,Ti + 4\,Mo + 2\,Al - 2\,Mn - 4\,Ni - 40\,(C+N) - 20\,P - 5\,Cu$$

Fig. 4